

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SHIRLEY MICHAUD, individually, and)
as Personal Representative of the)
Estate of Hermel Michaud)
)
PLAINTIFF)
)
v.) **Civil Docket No.:**
)
CALAIS REGIONAL HOSPITAL)
)
DEFENDANT)

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, Shirley Michaud, individually, and as Personal Representative of the Estate of Hermel, by and through her undersigned attorneys, and complains against Defendant as follows:

1. Plaintiff is a resident of Calais, County of Washington, State of Maine.
2. Upon information and belief, Defendant is a domestic, non-profit corporation, in good standing, with a principle place of business in Calais, County of Washington, State of Maine.
3. Pursuant to F.R.Civ.P. 38(b), Plaintiff hereby demands trial by jury on all issues triable to a jury.
4. This court has subject matter jurisdiction of this action under 28 U.S.C. § 1331 as this action arises under a law of the United States.
5. Venue is proper in the District of Maine under 28 U.S.C. § 1391(b). Under Local Rule 3(b), this action is properly filed in Calais because this case arises in Washington County.

6. On or about November 20, 2013, the decedent, Hermel Michaud was taken to the emergency department at Calais Regional Hospital via ambulance for complaints of having suffered a brief syncope episode, respiratory arrest for approximately two minutes and a slight seizure while receiving dialysis.
7. Defendant diagnosed Mr. Michaud with acute syncope, unknown cause, and discharged him to home; failing to admit him for observation after suffering a syncope event where respiratory arrest occurred, failed to obtain a cardiac consult when tests indicated the need and failed to have Mr. Michaud sign an AMA upon discharge, in violation of the Emergency Medical Treatment and Active Labor Act (EMTALA), 42 U.S.C. § 1395dd.
8. As a direct and proximate result of the Defendant's conduct and violation of EMTALA, Plaintiff has suffered damages.

WHEREFORE, Plaintiff prays for judgment against Defendant for damages in such amount as may be shown by proof, for wrongful death, compensatory damages, loss of consortium, attorneys' fees, costs, interest, and such other and further relief as may be just and equitable in the premises.

September 1, 2015
Date

/s/ Owen Pickus, DO., Esq.
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